The Ohio court pointed out that it would be impossible to set a rate of speed that would be suitable under all conditions, and invoked "the rule of reason" in holding valid a statute similar to the one in the principal case. *State* v. *Shaefer,* 117 N. E. 220. The Nebraska Court in *Schultz* v. *State,* 89 Neb. 34, upheld a similar statute. The Texas Court in *Solan & Billings* v. *Pasche,* 153 S. W. 672, said by way of *dictum* that a statute such as was upheld in the principal case was void for indefiniteness, but held that it was sufficiently definite as a remedial statute imposing a civil duty so as to render its violation negligence *per se.* A statute forbidding the driving of automobiles in access of a certain speed "in the business portion" of cities was not void for indefiniteness. *People* v. *Dow,* 155 Mich. 115. See also 18 MICH. L. REV. 810, and L. R. A. 1918 D, 132.

DEAD BODIES—PROPERTY IN A CORPSE.—The plaintiff's mother was interred in a burying ground which had been dedicated to that purpose by the original owner. Defendant, without the knowledge or consent of the plaintiff, acting through its employees, disinterred the body, and reinterred it at a place unknown to the plaintiff. A statute provides that wherever trespass will lie an action on the case may be maintained. *Held,* that trespass would lie for such disinterment, and that title and possession of the burial lot are not necessarily involved in the right sought to be protected. *England* v. *Central Pocahontas Coal Co.* (W. Va., 1920), 104 S. E. 46.

Although the reasoning of the court is not altogether clear, it would seem that it considers the corpse as the property of the plaintiff, for, in holding that trespass would lie, it states specifically that title and possession of the lot are immaterial. This case goes much further than the great majority of decisions on this subject, for in most of the decided cases the courts have refused to recognize the right of property in a corpse. In fact, the American courts have been almost unanimous in holding that the right in a corpse is in the nature of a "quasi property" right, and nothing more. See *Keyes* v. *Konkel,* 119 Mich. 550, and cases there cited. The general view seems to be that to entitle one to an action of trespass he must have actual or constructive possession of the soil where the body is interred. *Bessemer Land & Improvement Co.* v. *Jenkins,* 111 Ala. 135; *Meagher* v. *Driscoll,* 99 Mass. 281. In *Pettigrew* v. *Pettigrew,* 207 Pa. 313, however, the court holds distinctly that the widow of the deceased has a property right in the corpse, and the same view is taken in *Mines* v. *Canadian Pacific Ry. Co.,* 3 Alberta L. Rep. 408. In *Larson* v. *Chase,* 47 Minn. 307, an action for mutilation of the corpse, the court indicates clearly that it considers the corpse as the property of the next of kin. The principal case seems to uphold that proposition.

EASEMENTS—ORAL AGREEMENT TO RESTRICT—ENFORCEMENT.—The vendor of lots made an oral promise to the vendee that certain building restrictions in the latter's deed would be imposed upon the other lots in the area. In a suit to enjoin the conveyance of the other lots free from restrictions. *held,*

this was an agreement for the sale of an interest in lands, and void because not in writing as required by the Statute of Frauds. *Ham* v. *Massiot Real Estate Co.* (R. I., 1919.), 107 Atl. 1205.

Conceding that such a restriction creates an interest in land, and there being no part performance to take the promise out of the statute, it would seem difficult to escape the court's conclusion. In *Sprague* v. *Kimball,* 213 Mass. 380, the court, calling such a restriction an equitable easement, refused to grant relief. In *Pyper* v. *Whitman,* 32 R. I. 35, the grantor represented that all the lots in an area would be laid out according to an unrecorded plat, which showed the location of a certain street. In a suit to enjoin the grantor from changing the location of such street, the court held that no easement had been acquired. See also *Norton* v. *Ritter,* 106 N. Y. Supp. 129; *Squire* v. *Campbell,* 1 Myl. & Cr. 459; *Gilbert* v. *Peteler,* 38 Barb. 488. On the other hand, it has been held that a general building scheme maintained from its inception and relied upon by all parties in interest would create a binding restriction on all the lots, whether in the hands of the grantor or grantees, and whether all the deeds contained the restrictions or not. *Allen* v. *City of Detroit,* 167 Mich. 464; *Re Birmingham & Dist. Land Co.* [1893], 1 Ch. D. 681. Relief has also been granted on the grounds of estoppel arising out of reliance upon the grantor's promise. *Bunson* v. *Bultman,* 38 N. Y. Supp. 209. In *Talmadge* v. *The East River Bank* 26 N. Y. 105, the court contented itself by saying that the equity arising from such representations attached to the remaining lots. See also *Hubbell* v. *Warren,* 8 Allen 173; *Parker* v. *Nightengale,* 6 Allen 341. In most of these cases no legal remedy was available, as there was neither privity of contract nor privity of estate between the parties. This may account for the liberality with which some courts of equity have regarded such oral restrictions. While the cases are not entirely in harmony, it may be gathered from the decisions that in the absence of fraud or part performance relief will not be granted unless there is expressly or by necessary implication an intention on the part of the grantor that the restriction shall permanently bind the land retained. Such an intention is manifested in cases where lots are sold with reference to a general building plan. See note in 45 L. R. A. (N. S.) 962.

FOREIGN EXECUTORS—SUITS BY AND AGAINST FOREIGN EXECUTORS.—Under certain conditions a statute authorized foreign executors and administrators to sue and be sued. D, a foreign executor, was sued in his representative capacity while within the jurisdiction. D moved to set aside the service. *Held,* the court had no jurisdiction and the statute must be construed as giving privilege of suing in all cases, but as taking away immunity from suit only in those cases where there are local assets, as any other construction would render that part of the statute unconstitutional. *Helme v. Buckelew* (N. Y., 1920), 128 N. E. 216.

In the absence of statute the general rule is that a foreign executor cannot sue or be sued in his representative capacity unless there is a *res* to give the court jurisdiction. *Jefferson* v. *Ball,* 117 Ala. 436; *Greer* v. *Fergu-*